

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KENNETH S. SEBREE,

Plaintiff,

v.

Case No. 05-CV-72441-DT

HENRY FORD HEALTH SYSTEM et al.

Defendants.

ORDER DIRECTING PARTIES TO FILE A STIPULATION

On June 20, 2005, Defendants removed the above-captioned case from Wayne County Circuit Court to this court based on subject matter jurisdiction, pursuant to 28 U.S.C. § 1331. On September 12, 2005, the court conducted a status conference in this matter. During that conference, Plaintiff's counsel represented to the court that he intended to amend his complaint to include only state law claims and Defendants' counsel represented to the court that thereafter he would be amenable to signing a stipulated order remanding the case to state court. On September 16, 2005, Plaintiff's counsel faxed to the court an amended complaint that he filed in state court.

This fax, however, does not encapsulate the parties' September 12, 2005 agreement, and is an insufficient basis on which to justify remand. Accordingly, if the parties still desire to remand this case to state court,

IT IS ORDERED that the parties file a stipulation and submit a proposed order to the court, no later than **November 21, 2005**. The stipulation must (1) allow for the filing

in this court of the amended complaint which would withdraw the federal cause of action and (2) provide for remand of this action to the Wayne County Circuit Court.

If no stipulation is filed, the court will issue a scheduling order providing for a discovery cut-off date of December 31, 2005.

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 8, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 8, 2005, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522